

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

KORVETTA S. GLASPER,

Plaintiff,

vs.

BLACK HAWK COUNTY JAIL and
MEDICAL DEPARTMENT,

Defendants.

No. 09-CV-2020-LRR

ORDER

The matter before the court is Plaintiff Korvetta S. Glasper’s “Motion to Dismiss Without Prejudice” (“Motion”) (docket no. 34). On February 16, 2010, Plaintiff filed the Motion. On February 18, 2010, Defendant Black Hawk County Jail filed a Resistance (docket no. 35). That same date, Defendant Medical Department filed a Resistance (docket no. 36).

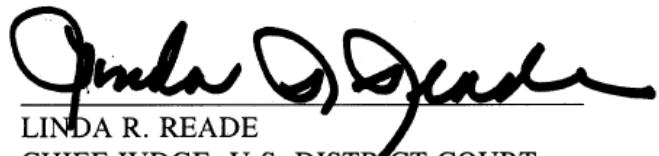
Plaintiff seeks to dismiss the instant action without prejudice based on her acknowledgment that she “failed to exhaust her administrative grievance remedies as required by the Prison Litigation Reform Act of 1999, 42 U.S.C. Section 1997e(a).” Motion at ¶ 2. Because Defendants have filed motions for summary judgment and resist the Motion, Plaintiff may voluntarily dismiss the instant action “only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). For the reasons stated in the Motion, the court finds that the Motion should be granted. In the event Plaintiff refiles her claims, Defendants may rely on the record developed in the instant action and refile their motions for summary judgment.

In light of the foregoing, the Motion (docket no. 34) is **GRANTED**. The instant action is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to **SATISFY THE REMAINING PENDING MOTIONS** (docket nos. 32 & 33) and to

CLOSE THIS CASE.

IT IS SO ORDERED.

DATED this 14th day of April, 2010.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA